



PRELIMINARY DRAFT

No. 3144

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7-2-1; IC 3-12-1; IC 3-13; IC 6-1.1-20-3.6; IC 10-16-7-16; IC 12-14-1.5-8; IC 12-15-1.5-8; IC 16-35-1.6-9; IC 20-23; IC 20-26-4-4; IC 36-5-1.

Synopsis: Various election law matters. Provides that a county voter registration office is not required to forward to another county a paper copy of an authorization by a voter to cancel the voter's registration, if the authorization to cancel is electronically transmitted to the other county using the statewide voter registration system. Specifies how a voter's vote in a primary is to be recorded in the statewide voter registration system when a voter's choice of political party ballot is not recorded on the poll list. Prohibits the use of an electronic signature on a petition of nomination for a candidate or to place a public question on the ballot. Specifies requirements for candidates for selection to an appointment pro tempore to an office. Permits photocopies of receipts for filing of a statement of economic interests to be accepted as part of a candidate filing. Provides that an independent or minor party candidate in a special election for U.S. Representative may withdraw no later than noon 71 days before the special election (instead of noon 45 days before the special election under current law). Provides that special elections to fill certain offices are to be held unless the vacancy in the office occurs less than 74 days (rather than 30 days) before a
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Effective: January 1, 2013 (retroactive); July 1, 2013.



general election. Amends absentee application and voting procedures relating to the deadlines applicable to certain types of absentee ballot applications. Provides that the application must permit a person to indicate whether the applicant is currently a participant in the address confidentiality program. Makes changes concerning the procedure for processing military and overseas voter absentee ballot applications. Conforms procedures governing federal write-in absentee ballots used in central count counties with current law in precinct count counties. Restates procedures to be followed when an election is conducted for a city or town located in more than one county. Permits a poll worker in an election conducted by a town election board to serve if the worker meets the qualifications to work in a town election conducted by a county election board. Specifies requirements for optical scan ballot card voting systems and direct record electronic voting systems to permit straight ticket voting and split ticket voting. Permits a county to continue to use a voting system whose approval or certification expired on or before October 1, 2013, if the voting system: (1) was approved by the Indiana election commission for use in elections in Indiana before October 1, 2013, and purchased by the county before October 1, 2013; and (2) otherwise complies with the applicable provisions of the federal Help America Vote Act and Indiana law. Specifies rules for counting paper or optical scan ballots when a voting mark does not touch a circle, oval, or square on the ballot, and when a voting mark partially connects a connectable arrow on the ballot. Establishes standards for ballot card voting system certification for detection of a voting mark when a voting mark only touches the outside edge of a circle, oval, or square. Permits a local government body to proceed to fill an office vacancy when an official has filed a resignation with a delayed effective date, in the same manner that a political party caucus may fill a vacancy in such cases. Conforms the deadlines for certification and withdrawal of public questions for controlled projects with the deadlines for certifying other public questions and printing absentee ballots. Provides that the current law concerning national guard musters applies to all election days. Specifies that January 1 of the year following the general election at which a school board member is elected is the date for the term of the school board member to begin. Specifies the deadline for withdrawal of school board candidates, and revises the deadline for filing as a write-in candidate for school board office. Specifies the first date on which a candidate may file a petition of nomination in Mishawaka and East Chicago school district elections (current law specifies the final date for filing, but not the first date). Specifies that a school corporation with members of the school board elected only by the voters of a school board residence district must adopt a redistricting resolution no later than December 31 of the year following the decennial census (current law requires the adoption of a

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Digest Continued

redistricting resolution by the school corporation "before the election next following the effective date of the subsequent decennial census"). Removes provisions requiring the election division to provide pre-addressed packets for certain "full service" voter registration agencies to transmit voter registration applications to county voter registration offices. Repeals certain statutes relating to elections conducted in towns located in more than one (1) county. Removes a requirement that a petition to dissolve a town or change the name of a town must be accompanied by a census of the voters of the town. Removes various obsolete references. Makes technical changes.



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-19 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 19. "Election district" means the
3 area comprised by precincts where voters reside **who are qualified to**
4 **vote for a candidate or on a public question and** whose votes a
5 candidate or committee proposes to influence.

6 SECTION 2. IC 3-5-4-1.7, AS ADDED BY P.L.230-2005,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 1.7. **(a)** Except as otherwise expressly authorized
9 or required under this title, a filing by a person with a commission, the
10 election division, or an election board may not be made by fax or
11 electronic mail.

12 **(b) A petition of nomination filed with a county voter**
13 **registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6 or a**
14 **petition to place a public question on the ballot may not contain the**
15 **electronic signature of a voter.**

16 SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 11. (a) As used in this section, "governing body"
19 refers to the governing body of a school corporation subject to any of
20 the following:

21 (1) IC 20-23-4-30.

22 (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and
23 IC 20-23-7-8.1 (after June 30, 2011).

24 (3) IC 20-23-8-8.

25 (4) IC 20-23-10-8.

26 (5) IC 20-23-12.

27 (6) IC 20-23-13.

28 (7) IC 20-23-14.

29 **(8) IC 20-23-17.**

30 **(9) IC 20-23-17.2.**

31 ~~(8)~~ **(10) IC 20-25-3-4.**



(b) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a member shall:

- (1) be elected at the 2012 general election; and
- (2) take office January 1, 2013.

(c) This subsection applies to a member of a governing body elected at the 2010 primary election. The successor of such a member shall:

- (1) be elected at the 2014 general election; and
- (2) take office January 1, 2015.

~~(d) This section expires July 1, 2016.~~

(d) After January 1, 2015, a member of the governing body shall:

- (1) be elected at the general election held immediately before the term of office for that position on the governing body expires; and**

- (2) take office the following January 1.**

SECTION 4. IC 3-6-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. **(a)** Except as otherwise provided by law, ~~whenever in subsection (b), this section applies when an election is conducted in~~ a political subdivision (as defined in IC 36-1-2-13 and other than a county) **that** contains territory in more than one (1) county.

(b) This section does not apply to an election:

- (1) conducted at the same time as a primary or general election during an even-numbered year; or**
- (2) conducted in a town by a town election board under IC 3-10-7.**

(c) To the extent authorized by this section, the county election board of the county that contains the greatest percentage of population of the political subdivision shall conduct all elections for the political subdivision. This section does not apply to countywide elections. The county election board may designate polling places for the election, which may be located in any county in which the political subdivision is located, and shall appoint precinct election officers to conduct the election. However, each county election board shall provide poll lists for voters, receive and approve absentee ballot applications, and issue certificates of error or other documents for the voters of that county.

SECTION 5. IC 3-6-6-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. Each precinct election board shall determine all ~~questions of challenge and all other~~ matters coming before the board **in accordance with Indiana law**. If necessary, the judges shall assist the inspector and poll clerks in the performance of their duties. Subject to IC 3-11-9, the judges shall also assist and instruct voters when assistance is requested.

SECTION 6. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a) After a general**



1 **or municipal election is conducted, the registration period begins**
 2 **resumes on the following** December 1 **of each year** (or the first
 3 Monday in December if December 1 falls on a Saturday or Sunday).

4 (b) **Except as provided in IC 3-7-36 for absent uniformed**
 5 **services voters and overseas voters,** the registration period continues
 6 through the twenty-ninth day before the date a primary election is
 7 scheduled under this title.

8 (c) **Except as provided in IC 3-7-36 for absent uniformed**
 9 **services voters and overseas voters,** the registration period resumes
 10 fourteen (14) days after primary election day and continues through the
 11 twenty-ninth day before the date a general or municipal election is
 12 scheduled under this article.

13 (d) This subsection applies in each precinct in which a special
 14 election is to be conducted. **Except as provided in IC 3-7-36 for**
 15 **absent uniformed services voters and overseas voters,** the
 16 registration period ceases in that precinct on the twenty-ninth day
 17 before a special election is conducted and resumes fourteen (14) days
 18 after the special election occurs.

19 SECTION 7. IC 3-7-27-15, AS AMENDED BY P.L.164-2006,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 15. (a) This section does not apply to a county
 22 acting in accordance with section 21.1 or 22 of this chapter.

23 (b) The county voter registration office shall keep all original
 24 affidavits or forms of registration **(or duplicate affidavits or forms)**
 25 **securely arranged and maintained** in the clerk's or board's office.
 26 **except when the affidavits or forms are in the possession of the precinct**
 27 **election boards for use on election day at the polls. The county voter**
 28 **registration office shall keep any duplicate affidavits or forms at all**
 29 **times in the clerk's or board's office.**

30 (b) If the original affidavits or forms of registration have been
 31 microfilmed or recorded through a similar electronic process
 32 authorized under IC 5; any duplicate affidavits may be:

33 (1) stored in a secure location outside of the office of the clerk or
 34 board; or

35 (2) discarded; if a microfilmed or similar electronic record of the
 36 duplicate affidavits is stored in a secure location outside the office
 37 of the clerk or board.

38 SECTION 8. IC 3-7-27-16 IS REPEALED [EFFECTIVE JULY 1,
 39 2013]. Sec. 16: (a) This section does not apply to a county if the county
 40 election board has adopted a resolution providing that affidavits or
 41 forms are not required to be delivered to the polls.

42 (b) The affidavits or forms shall be securely arranged in suitable
 43 binders or card files before being delivered to the inspector of each
 44 precinct to be used at an election.

45 SECTION 9. IC 3-7-28-14, AS AMENDED BY P.L.225-2011,
 46 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2013]: Sec. 14. (a) Each county voter registration office shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date,~~ Upon request the county voter registration office shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 10. IC 3-7-36-11 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:~~

~~(1) after the date described in IC 3-7-13-11; and~~

~~(2) before the date that the certified list of voters is prepared under IC 3-7-29-1.~~

~~(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:~~

~~(1) Showing either of the following to the circuit court clerk or board of registration:~~

~~(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:~~

~~(i) the voter;~~

~~(ii) the voter's spouse; or~~

~~(iii) the individual of whom the voter is a dependent.~~

~~(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:~~

~~(i) the voter;~~

~~(ii) the voter's spouse; or~~

~~(iii) the individual of whom the voter is a dependent.~~

~~(2) Completing a registration affidavit.~~

~~(c) A voter who registers under this section may vote at the upcoming election as provided in this title.~~

SECTION 11. IC 3-7-36-14 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the ~~date that the certified list of voters is prepared under IC 3-7-29-1;~~ **ninth day before election day;** and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period ~~described in IC 3-7-13-10~~ **applicable to the voter under this chapter** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the ~~date described in IC 3-7-13-11;~~ **tenth day before election day,** of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the ~~date described in IC 3-7-13-11;~~ **tenth day before election day,** of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).



(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

SECTION 12. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.**

SECTION 13. IC 3-8-1-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.7. (a) **Except as provided in subsection (b)**, as used in this chapter, "before the election" refers to a general, municipal, or special election.

(b) **This subsection applies to a candidate for selection for an appointment pro tempore to an office. For purposes of section 5.7 of this chapter, "before the election" refers to the date:**

- (1) **the caucus is required to fill the vacant office; or**
- (2) **that the county political chairman appoints an individual to fill the vacant office.**

SECTION 14. IC 3-8-2-2.6 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 2.6: (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted:

(b) ~~A:~~

- (1) ~~declaration of intent to be a write-in candidate; or~~
- (2) ~~withdrawal of a declaration;~~

~~must be subscribed and sworn to before an individual authorized to administer oaths.~~

(c) ~~A declaration of intent to be a write-in candidate for a school board office must be filed:~~

- (1) ~~not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and~~
- (2) ~~not later than noon eighty-eight (88) days before the primary election.~~

(d) ~~A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon eighty-five (85) days before the primary election.~~



(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon eighty-one (81) days before the date of the primary election. The county election board shall determine all questions regarding the validity of the declaration not later than noon sixty-eight (68) days before the date of the primary election.

SECTION 15. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.7. (a) ~~This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.~~ A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 16. IC 3-8-2-4, AS AMENDED BY P.L.225-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon eighty-eight (88) days and not earlier than one hundred eighteen (118) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) ~~This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.~~ A declaration of intent to be a write-in candidate must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

- (1) candidacy may be filed for an office that will appear on the primary election ballot; or
- (2) intent to be a write-in candidate **may be filed** for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.



SECTION 17. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The declaration of each
 candidate required by this chapter must be signed before a person
 authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

- (A) The most recent primary election **in Indiana** in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

- (B) The candidate has never voted in a primary election **in Indiana** and claims a party affiliation.

- (C) The county chairman of:

- (i) the political party with which the candidate claims affiliation; and

- (ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

- (5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

- (6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

- (7) A statement that the candidate:

- (A) is aware of the provisions of IC 3-9 regarding campaign



1 finance and the reporting of campaign contributions and
2 expenditures; and

3 (B) agrees to comply with the provisions of IC 3-9.

4 The candidate must separately sign the statement required by this
5 subdivision.

6 (8) A statement as to whether the candidate has been a candidate
7 for state or local office in a previous primary or general election
8 and whether the candidate has filed all reports required by
9 IC 3-9-5-10 for all previous candidacies.

10 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
11 candidate has filed a campaign finance statement of organization
12 for the candidate's principal committee or is aware that the
13 candidate may be required to file a campaign finance statement of
14 organization not later than noon seven (7) days after the final date
15 to file the declaration of candidacy under section 11 of this
16 chapter.

17 (10) The candidate's signature.

18 (b) The commission shall provide that the form of a declaration of
19 candidacy includes the following information near the separate
20 signature required by subsection (a)(7):

21 (1) The dates for filing campaign finance reports under IC 3-9.

22 (2) The penalties for late filing of campaign finance reports under
23 IC 3-9.

24 (c) A declaration of candidacy must include a statement that the
25 candidate requests the name on the candidate's voter registration record
26 be the same as the name the candidate uses on the declaration of
27 candidacy. If there is a difference between the name on the candidate's
28 declaration of candidacy and the name on the candidate's voter
29 registration record, the officer with whom the declaration of candidacy
30 is filed shall forward the information to the voter registration officer of
31 the appropriate county as required by IC 3-5-7-6(e). The voter
32 registration officer of the appropriate county shall change the name on
33 the candidate's voter registration record to be the same as the name on
34 the candidate's declaration of candidacy.

35 SECTION 18. IC 3-8-2-11, AS AMENDED BY P.L.90-2012,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 11. (a) A declaration of candidacy may be made
38 by mail and is considered filed as of the date and hour the filing occurs
39 in the manner described by IC 3-5-2-24.5 in the office of the election
40 division or circuit court clerk.

41 (b) A declaration is not valid unless filed in the office of the election
42 division or circuit court clerk by noon on the seventy-fourth day before
43 a primary election.

44 (c) This subsection applies to a candidate required to file a
45 statement of economic interests under IC 2-2.1-3-2 or IC 33-23-11-15
46 or a financial disclosure statement under IC 4-2-6-8. This subsection



1 does not apply to a candidate for a local office or school board office
 2 required to file a statement of economic interests under IC 3-8-9. The
 3 election division shall require the candidate to produce a:

4 (1) copy of the statement, file stamped by the office required to
 5 receive the statement of economic interests; or

6 (2) receipt **or photocopy of a receipt** showing that the statement
 7 has been filed;

8 before the election division accepts the declaration for filing. The
 9 election division shall reject a filing that does not comply with this
 10 subsection.

11 (d) This subsection applies to a candidate for a local office or school
 12 board office required to file a statement of economic interests under
 13 IC 3-8-9. The circuit court clerk shall reject a declaration of candidacy
 14 that does not include a statement of economic interests.

15 SECTION 19. IC 3-8-2.5-2, AS ADDED BY P.L.179-2011,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 2. A candidate for a school board office must file
 18 a petition of nomination in accordance with **the provisions of IC 3-8-6**
 19 **relating to school board candidates** and as required under IC 20-23
 20 or IC 20-25. The petition of nomination, once filed, serves as the
 21 candidate's declaration of candidacy for a school board office.

22 SECTION 20. IC 3-8-2.5-4, AS ADDED BY P.L.179-2011,
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 4. (a) A petition of nomination for a school board
 25 office must be filed not earlier than one hundred four (104) days and
 26 not later than noon seventy-four (74) days before the general election.
 27 The petition must be subscribed and sworn to before a person
 28 authorized to administer oaths.

29 (b) A declaration of intent to be a write-in candidate for a school
 30 board office must be filed not earlier than ninety (90) days before the
 31 general election and not later than noon ~~five (5)~~ **seventy-four (74)** days
 32 before the ~~final date for the delivery of absentee ballots under~~
 33 ~~IC 3-11-4-15.~~ **general election.** The declaration must be subscribed
 34 and sworn to before a person authorized to administer oaths.

35 (c) **A person who files a petition of nomination for a school**
 36 **board office may, at any time not later than noon seventy-one (71)**
 37 **days before the general election, file a statement with the same**
 38 **office where the person filed the petition of nomination, stating that**
 39 **the person is no longer a candidate and does not wish the person's**
 40 **name to appear on the election ballot as a candidate.**

41 (d) **A person who files a declaration of intent to be a write-in**
 42 **candidate for a school board office may, at any time not later than**
 43 **noon seventy-one (71) days before the general election, file a**
 44 **statement with the same office where the person filed the**
 45 **declaration of intent, stating that the person is no longer a write-in**
 46 **candidate for the office.**



1 SECTION 21. IC 3-8-6-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) Whenever a
 3 town is wholly or partly located in a county having a consolidated city,
 4 a petition of nomination must be filed with the circuit court clerk of the
 5 county having the consolidated city.

6 (b) Whenever a town not described in subsection (a) has entered
 7 into an agreement with a county under IC 3-10-7-4, the petition must
 8 be filed with the ~~circuit court clerk or board of registration~~ **county**
 9 **voter registration office** of that county.

10 (c) Whenever a school corporation is located in more than one (1)
 11 county, a petition for the nomination of a candidate to a school board
 12 office must be filed with the ~~circuit court clerk or board of registration~~
 13 **county voter registration office** of the county having the greatest
 14 percentage of population of the ~~election district~~ **school corporation**.

15 (d) When a petition is filed under subsection (a), (b), or (c) for
 16 nomination to an office whose election district is in more than one (1)
 17 county, the ~~circuit court clerk or board of registration~~ **county voter**
 18 **registration office** shall examine the voter registration records of each
 19 county in the election district to determine if each petitioner is eligible
 20 to vote for the candidates being nominated by the petition.

21 (e) **Whenever a school corporation is located entirely within one**
 22 **(1) county, a petition for the nomination of a candidate to a school**
 23 **board office must be filed with the county voter registration office**
 24 **of the county.**

25 (f) **Whenever a school corporation is located entirely within one**
 26 **(1) county, the county voter registration office of the county shall**
 27 **examine the voter registration records of the election district to**
 28 **determine if each petitioner is eligible to vote for the candidates**
 29 **being nominated by the petition.**

30 SECTION 22. IC 3-8-6-13.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.5. A candidate may
 32 withdraw a petition of nomination by noon:

33 (1) July 15 before a general or municipal election; or

34 (2) ~~forty-five (45)~~ **seventy-one (71)** days before a special election.

35 SECTION 23. IC 3-10-1-31.3 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2013]: **Sec. 31.3. (a) This subsection applies**
 38 **to a primary election in which more than one (1) political party**
 39 **chooses the party's nominees or in which a nonpartisan ballot is**
 40 **available for a voter to vote for an office or on a public question. A**
 41 **voter whose political party is not recorded on the poll list as**
 42 **required under section 24 of this chapter shall be shown on the**
 43 **voter's registration record as having cast an unknown ballot in that**
 44 **primary.**

45 (b) **This subsection applies to a primary election in which only**
 46 **one (1) political party chooses its nominees and a nonpartisan**



1 **ballot is not available. A voter whose political party is not recorded**
 2 **on the poll list as required under section 24 of this chapter shall be**
 3 **shown on the voter's registration record as having cast a ballot for**
 4 **the political party choosing that political party's nominees in that**
 5 **primary election.**

6 SECTION 24. IC 3-10-6-9 IS REPEALED [EFFECTIVE JULY 1,
 7 2013]. Sec. 9: In accordance with IC 3-11-1.5 and to the extent
 8 applicable and feasible, the circuit court clerk, the county fiscal body,
 9 the county executive, and the county election board of each county in
 10 which there are voters who may vote in a municipal election, but who
 11 live in a county adjacent to the county in which the greatest percentage
 12 of the population of the municipality resides, shall:

13 (1) upon written request of their counterpart election officers in
 14 the county with the greatest percentage of the population of the
 15 municipality, establish precincts for municipal election purposes;
 16 and

17 (2) supply the precincts established with poll lists and perform all
 18 other duties under this title as if the voters were inhabitants of a
 19 municipality with the greatest percentage of its population within
 20 that county.

21 SECTION 25. IC 3-10-6-10 IS REPEALED [EFFECTIVE JULY 1,
 22 2013]. Sec. 10: The commission shall, if necessary, implement section
 23 9 of this chapter by orders and rules. Local governments may use
 24 IC 36-1-7 for contractual agreements concerning the costs of services,
 25 supplies, and equipment required.

26 SECTION 26. IC 3-10-7-22, AS AMENDED BY P.L.230-2005,
 27 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2013]: Sec. 22. (a) A town election board shall appoint a
 29 precinct election board for each precinct in the town.

30 (b) If a precinct is wholly or partly in the town, the town election
 31 board may designate the polls for the precinct to be at the polls for an
 32 adjoining precinct, using the precinct election board of the adjoining
 33 precinct.

34 (c) If a precinct election board administers more than one (1)
 35 precinct under subsection (b), the board shall keep the ballots cast in
 36 each precinct separate from ballots cast in any other precinct, so that
 37 the votes cast for each candidate and on each public question in each
 38 of the precincts administered by the board may be determined.

39 (d) Each precinct election board consists of:

40 (1) one (1) inspector; and

41 (2) two (2) judges of opposite political parties.

42 (e) The members of a precinct election board must ~~be voters who~~
 43 ~~reside in the town.~~ **comply with IC 3-6-6.**

44 SECTION 27. IC 3-10-8-1, AS AMENDED BY P.L.164-2006,
 45 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 46 JULY 1, 2013]: Sec. 1. A special election shall be held in the following



1 cases:

2 (1) Whenever two (2) or more candidates for a federal, state,
3 legislative, circuit, or school board office receive the highest and
4 an equal number of votes for the office, except as provided in
5 Article 5, Section 5 of the Constitution of the State of Indiana or
6 in IC 20.

7 (2) Whenever a vacancy occurs in the office of United States
8 Senator, as provided in IC 3-13-3-1.

9 (3) Whenever a vacancy occurs in the office of United States
10 Representative unless the vacancy occurs less than ~~thirty (30)~~
11 **seventy-four (74)** days before a general election.

12 (4) Whenever a vacancy occurs in any local office the filling of
13 which is not otherwise provided by law.

14 (5) Whenever required by law for a public question.

15 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
16 recount commission under IC 3-12-11-18.

17 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
18 legislative office unless the vacancy occurs less than ~~thirty (30)~~
19 **seventy-four (74)** days before a general election.

20 SECTION 28. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2013]: **Sec. 7.5. (a) This section applies to a special election to fill
23 one (1) or more vacancies in the office of United States
24 Representative under 2 U.S.C. 8(b).**

25 **(b) A special election conducted under this section shall be
26 governed by other provisions of this title as far as applicable.**

27 **(c) A political party entitled to fill a candidate vacancy under
28 IC 3-13-2 shall nominate a candidate for election to the office
29 under IC 3-13-2-3.**

30 **(d) A candidate who does not intend to affiliate with a political
31 party described by subsection (c) shall:**

32 **(1) be nominated as an independent or a candidate of a
33 political party by petition in accordance with IC 3-8-6; or**

34 **(2) file a declaration of intent to be a write-in candidate under
35 IC 3-8-2-4(b).**

36 **(e) A certificate of candidate selection under IC 3-13-2-8, a
37 petition of nomination, or a declaration of intent to be a write-in
38 candidate must be filed with the election division not later than
39 noon thirty-five (35) days before the special election is to be
40 conducted.**

41 **(f) A candidate is required to file a notice of withdrawal with the
42 election division not later than noon thirty-three (33) days before
43 the special election is to be conducted.**

44 **(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding
45 IC 3-11-10-14, a county election board shall accept an absentee
46 ballot cast by an absent uniformed services voter or an overseas**



1 voter for up to forty-five (45) days after the absentee ballot is
2 transmitted to the voter.

3 (h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under
4 subsection (g) is determined by the county election board to be
5 otherwise valid, the circuit court clerk shall file an amendment to
6 the certified statement previously filed under IC 3-12-5-6 with the
7 election division not later than noon seven (7) days following the
8 determination of the validity of the ballot. Notwithstanding
9 IC 3-12-5-9, the election division, the secretary of state, and the
10 governor shall prepare, execute, and transmit a replacement
11 certificate of election if the amendment filed under this subsection
12 results in a different candidate receiving the highest number of
13 votes for the office.

14 SECTION 29. IC 3-11-2-10, AS AMENDED BY P.L.190-2011,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 10. (a) Public questions shall be placed on the
17 general election ballot in the following order after the statement
18 described in section 7 of this chapter, and the instructions described in
19 subsections (d) and (e) and section 8 of this chapter:

20 (1) Ratification of a state constitutional amendment.

21 (2) Local public questions.

22 Each public question shall be placed in a separate column on the ballot.

23 (b) The name or title of the political party or independent ticket
24 described in section 6 of this chapter shall be placed on the general
25 election ballot after the public questions described in subsection (a).
26 The device of the political party or independent ticket shall be placed
27 immediately under the name of the political party or independent ticket.
28 The instructions for voting a straight party ticket shall be placed to the
29 right of the device.

30 (c) The instructions for voting a straight party ticket must conform
31 as nearly as possible to the following: "To vote a straight (insert
32 political party name) ticket for all (insert political party name)
33 candidates on this ballot, make a voting mark on or in this circle and do
34 not make any other marks on this ballot. If you wish to vote for a
35 candidate seeking a nonpartisan office or on a public question, you
36 must make another voting mark on the appropriate place on this
37 ballot."

38 (d) If the ballot contains an independent ticket described in section
39 6 of this chapter and at least one (1) other independent candidate, the
40 ballot must also contain a statement that reads substantially as follows:
41 "A vote cast for an independent ticket will only be counted for the
42 candidates for President and Vice President or governor and lieutenant
43 governor comprising that independent ticket. This vote will NOT be
44 counted for any OTHER independent candidate appearing on the
45 ballot."

46 (e) The ballot must also contain a statement that reads substantially



as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) ~~The election division or~~ The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 30. IC 3-11-3-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The election division shall provide a seal for the ballots. The seal may be of a design considered proper by the election division, but the same design may not be used for two (2) consecutive elections.~~

SECTION 31. IC 3-11-3-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. **(a) This section applies to a primary, general, or a special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors in which the name of a candidate for President of the United States or Vice-President of the United States appears on the ballot.**

(a) (b) ~~The election division or~~ an election board shall ~~act under subsection (c) to print new ballots or have pasters made to cover~~ **remove** the name of a candidate who has died or is no longer a candidate under IC 3-13-2-1 if:

(1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and

(2) when a candidate has died, the ~~election division or~~ election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) by unanimous vote of the entire membership that there is good cause to believe that the candidate has died.

~~(b) (c)~~ **(c)** ~~The election division or~~ election board shall provide the number of ~~opaque pasters the election division or election board determines to be necessary for all ballots~~ **necessary** to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

~~(c) If (d)~~ **(d)** ~~The election division or~~ election board ~~determines that the~~



1 use of pasters under this section would be impractical or uneconomical;
 2 the election division or board may order the printing of new ballots that
 3 omit the name of a candidate described in subsection (a): **(b). Except**
 4 **for ballots used in a primary election,** a ballot printed under this
 5 subsection must contain the statement "NO CANDIDATE" or
 6 "CANDIDATE DECEASED" or words to that effect at the appropriate
 7 position on the ballot.

8 ~~(d)~~ **(e)** If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
 9 after noon five (5) days before the election, the ~~election division or~~
 10 election board is not required to reprint ballots ~~or have pasters with the~~
 11 ~~name of the successor candidate placed over to remove~~ the name of an
 12 individual who is no longer a candidate but may do so upon the vote of
 13 the ~~commission or~~ election board.

14 SECTION 32. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,
 15 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 3. (a) Except as provided in section 6 of this
 17 chapter, an application for an absentee ballot must be received by the
 18 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 19 the board of elections and registration) not earlier than the date the
 20 registration period resumes under IC 3-7-13-10 nor later than the
 21 following:

22 (1) Noon on election day if the voter registers to vote under
 23 IC 3-7-36-14.

24 (2) Noon on the day before election day if the voter:

25 (A) completes the application in the office of the circuit court
 26 clerk **and votes an absentee ballot under IC 3-11-10-26;** or
 27 (B) is an absent uniformed services voter or overseas voter
 28 who requests that the ballot be transmitted by electronic mail
 29 or fax under section 6(h) of this chapter.

30 (3) Noon on the day before election day if:

31 (A) the application is a mailed, transmitted by fax, or hand
 32 delivered application from a confined voter or voter caring for
 33 a confined person; and

34 (B) the applicant requests that the absentee ballots be
 35 delivered to the applicant by an absentee voter board **under**
 36 **IC 3-11-10-25.**

37 (4) 11:59 p.m. on the eighth day before election day if the
 38 application:

39 (A) is a mailed application; ~~or~~

40 (B) was transmitted by fax; ~~or~~

41 **(C) was hand delivered;**

42 from other voters **who request to vote by mail under**
 43 **IC 3-11-10-24.**

44 (b) An application for an absentee ballot received by the election
 45 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 46 or (a)(4) is considered to have been timely received for purposes of



processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section 2(h) of this chapter whenever the election division transmits an application under this subsection.

SECTION 33. IC 3-11-4-5.1, AS AMENDED BY P.L.121-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

(1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.

(2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.

(3) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) Not later than June 30, 2012, the commission shall approve absentee ballot application forms that comply with this subsection. The form prescribed by the commission must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter after June 30, 2012, must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form authorized for use on June 30, 2012.

(f) The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a



1 **participant in the address confidentiality program under**
 2 **IC 5-26.5-2; and**

3 **(2) the applicant's legal residence is at the address set forth in**
 4 **the applicant's voter registration.**

5 **If the applicant confirms these statements, the applicant may**
 6 **indicate the address of the office of the attorney general as the**
 7 **address at which the applicant resides and to which the absentee**
 8 **ballot is to be mailed.**

9 SECTION 34. IC 3-11-4-6, AS AMENDED BY P.L.225-2011,
 10 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 6. (a) This section applies, notwithstanding any
 12 other provision of this title, to absentee ballot applications for the
 13 following:

14 (1) An absent uniformed services voter.

15 (2) An address confidentiality program participant (as defined in
 16 IC 5-26.5-1-6).

17 (3) An overseas voter.

18 (b) A county election board shall make blank absentee ballot
 19 applications available for persons covered by this section. A person
 20 may apply for an absentee ballot at any time after the registration
 21 period resumes under IC 3-7-13-10.

22 (c) A person covered by this section may apply for an absentee
 23 ballot for the next scheduled primary, general, or special election at any
 24 time by filing either of the following:

25 (1) A combined absentee registration form and absentee ballot
 26 request approved under 42 U.S.C. 1973ff(b)(2).

27 (2) A form prescribed under IC 3-5-4-8 that identifies the
 28 applicant as an absent uniformed services voter or an overseas
 29 voter. A form prescribed under this subdivision must permit the
 30 applicant to designate whether the applicant wishes to receive the
 31 absentee ballot by electronic mail, fax, or United States mail.

32 (d) If the county election board receives an absentee ballot
 33 application from a person described by subsection (c), the circuit court
 34 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 35 3406, all ballots for the election immediately upon receipt of the ballots
 36 under section 15 of this chapter, unless the person has indicated under
 37 subsection (c) that the person wishes to receive the absentee ballot by
 38 electronic mail or fax.

39 (e) Whenever a voter files an application for an absentee ballot and
 40 indicates on the application that the voter is an absent uniformed
 41 services voter or an overseas voter, the application is an adequate
 42 application for an absentee ballot for an election conducted during the
 43 period that ends on December 31 following the date the application is
 44 filed, unless an absentee ballot mailed to the voter at the address set
 45 forth in the application is returned to the county election board during
 46 that period as undeliverable. The circuit court clerk and county election



board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. **If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration record, the previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.**

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing



1 my voted ballot I am voluntarily waiving my right to a secret ballot.".

2 (i) The county election board shall send confirmation to a voter
3 described in subsection (h) that the voter's absentee ballot has been
4 received as follows:

5 (1) If the voter provides a fax number to which a confirmation
6 may be sent, the county election board shall send the confirmation
7 to the voter at the fax number provided by the voter.

8 (2) If the voter provides an electronic mail address to which a
9 confirmation may be sent, the county election board shall send the
10 confirmation to the voter at the electronic mail address provided
11 by the voter.

12 (3) If:
13 (A) the voter does not provide a fax number or an electronic
14 mail address; or
15 (B) the number or address provided does not permit the board
16 to send the confirmation not later than the end of the first
17 business day after the board receives the voter's absentee
18 ballot;

19 the county election board shall send the confirmation by United
20 States mail.

21 The county election board shall send the confirmation required by this
22 subsection not later than the end of the first business day after the
23 county election board receives the voter's absentee ballot.

24 (j) **Upon approval of the voter's absentee ballot application**, a
25 county election board ~~may~~ **shall** transmit an absentee ballot to an
26 absent uniformed services voter or an overseas voter by electronic mail
27 under a program authorized and administered by the Federal Voting
28 Assistance Program of the United States Department of Defense or
29 directly to the voter at the voter's electronic mail address, if requested
30 to do so by the voter. A voter described by this section may transmit the
31 voted absentee ballot to a county election board by electronic mail. If
32 a voter described in this section transmits the voted absentee ballot
33 through the United States Department of Defense program, the ballot
34 must be transmitted in accordance with the procedures established
35 under that program. An electronic mail message transmitting a voted
36 absentee ballot under this subsection must include an optically scanned
37 image of the voter's signature on the statement required under
38 subsection (h).

39 SECTION 35. IC 3-11-4-12.5, AS ADDED BY P.L.66-2010,
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 12.5. (a) This section applies to an absent
42 uniformed services voter or overseas voter.

43 (b) If a voter makes a timely application for and does not receive an
44 absentee ballot from a county election board, the voter may use a
45 federal write-in absentee ballot in the form prescribed by the Federal
46 Voting Assistance Program of the United States Department of Defense



and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2 to cast a vote **by mail, electronic mail, or fax** for any of the following:

- (1) Any candidate for nomination at a primary election.
- (2) Any candidate, political party, or public question on a general election, municipal election, or special election ballot.

SECTION 36. IC 3-11-7-4, AS AMENDED BY P.L.221-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **(a)** A ballot card voting system must permit a voter to vote: ~~either:~~

- (1) **except at a primary election**, a straight party ticket for all of the candidates of ~~a one~~ **(1)** political party by a single mark on each ballot card;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;**
- ~~(2) (3)~~ a split ticket for the candidates of different political parties and for independent candidates; or
- ~~(3) (4)~~ a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.

(b) A ballot card voting system must permit a voter to vote:

- (1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and**
- (2) for or against a public question on which the voter may vote.**

SECTION 37. IC 3-11-7.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a)** An electronic voting system must permit a voter to vote:

- (1) except at a primary election, **a straight party ticket** for all the candidates of one (1) political party, ~~for one (1) or more candidates of each political party;~~ **by touching the device of that party;**
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;**
- (3) a split ticket for the candidates of different political parties and for independent candidates; or**
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.**

(b) An electronic voting system must permit a voter to vote:

- ~~(2) (1)~~ **(1)** for as many candidates for an office as the voter may vote for, but no more;
- ~~(3) (2)~~ **(2)** for or against a public question on which the voter may vote, but no other; and



(4) (3) for all the candidates for presidential electors of a political party or an independent ticket at one (1) time: by making a single voting mark.

SECTION 38. IC 3-11-8-23, AS AMENDED BY P.L.164-2006, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.
- (6) The voter's occupation.
- (7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
- (8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.
- (9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by

(A) IC 3-7-13-10. or

(B) IC 3-7-36-11, if the voter registered under that section.

SECTION 39. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**



(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 40. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. Subject to **IC 3-10-8-7.5 and** section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day are considered as arriving too late and need not be delivered to the polls.

SECTION 41. IC 3-11-15-13.3, AS AMENDED BY P.L.120-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

- (1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; or
- (2) the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2009~~; **2013**, if the voting system:

- (1) was:
 - (A) approved by the commission for use in elections in Indiana before October 1, ~~2009~~; **2013**; and
 - (B) purchased by the county before October 1, ~~2009~~; **2013**; and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 42 U.S.C. 15481, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 42 U.S.C. 15481, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with



1 disabilities.

2 SECTION 42. IC 3-11-15-26 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. The ballot counting
4 software must be designed in a modular fashion and not be
5 self-modifying. Modular programs must consist of code written in
6 relatively small and easily identifiable sections, with each unit having
7 a single entry point and a single exit point. Each module must have a
8 specific function that can be tested and verified more or less
9 independently of the remainder of the code. ~~Appendix E of the~~
10 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~
11 ~~Recording contains numerical guidelines for program modules.~~

12 SECTION 43. IC 3-11-15-32 IS REPEALED [EFFECTIVE JULY
13 1, 2013]. ~~Sec. 32. In considering the compliance of a voting system~~
14 ~~with this chapter, the commission may determine whether the system~~
15 ~~conforms with other preferred coding practices and software~~
16 ~~characteristics set forth in the Voting System Standards adopted by the~~
17 ~~Federal Election Commission on April 30, 2002.~~

18 SECTION 44. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,
19 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 4. To the extent that they are in conflict with this
21 article, the following statutes do not apply to a county that has adopted
22 a resolution described by section 1 of this chapter **(before its repeal)**
23 **or section 1.1 of this chapter:**

- 24 (1) IC 3-11-4-22.
- 25 (2) IC 3-11-10-1.5.
- 26 (3) IC 3-11-10-3.
- 27 (4) IC 3-11-10-5.
- 28 (5) IC 3-11-10-6.
- 29 (6) IC 3-11-10-7.
- 30 (7) IC 3-11-10-8.
- 31 (8) IC 3-11-10-9.
- 32 (9) IC 3-11-10-11.
- 33 (10) IC 3-11-10-12.
- 34 (11) IC 3-11-10-12.5.
- 35 (12) IC 3-11-10-13.
- 36 (13) IC 3-11-10-14.
- 37 (14) IC 3-11-10-15.
- 38 (15) IC 3-11-10-16.
- 39 (16) IC 3-11-10-17.
- 40 (17) IC 3-11-10-18.
- 41 (18) IC 3-11-10-20.
- 42 (19) IC 3-11-10-21.
- 43 (20) IC 3-11-10-22.
- 44 (21) IC 3-11-10-23.
- 45 (22) IC 3-11-10-31.
- 46 (23) IC 3-11-10-32.



1 (24) IC 3-11-10-34.

2 (25) IC 3-11-10-35.

3 (26) IC 3-11-10-36.

4 (27) IC 3-11-10-37.

5 (28) IC 3-12-2.

6 (29) IC 3-12-3-12.

7 SECTION 45. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010,
8 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2013]: Sec. 14. (a) This section applies to the counting of
10 federal write-in absentee ballots described in IC 3-11-4-12.5.

11 (b) If a voter writes an abbreviation, a misspelling, or other minor
12 variation instead of the correct name of a candidate or political party,
13 that vote shall be counted if the intent of the voter can be determined.

14 (c) If a voter casts a ballot under this section for President or Vice
15 President and writes in the name of a candidate or political party that
16 has not:

17 (1) certified a list of electors under IC 3-10-4-5; or

18 (2) **included a list of electors on the declaration of intent to be**
19 **a write-in candidate filed by a write-in candidate under**
20 **IC 3-8-2-2.5;**

21 the vote for President or Vice President is void. The remaining votes on
22 the ballot may be counted.

23 **(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided**
24 **in this section, an absentee ballot subject to this section shall be**
25 **submitted and processed in the same manner provided by this title**
26 **for a regular absentee ballot.**

27 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

28 ~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b),** a ballot subject
29 to this section may not be counted if:

30 (1) the ballot was submitted:

31 **(A) by an overseas voter who is not an absent uniformed**
32 **services voter; and**

33 **(B) from within the United States;**

34 (2) the **overseas** voter's application for a regular absentee ballot
35 was received by the ~~circuit court clerk~~ or **county election** board
36 ~~of registration~~ less than thirty (30) days before the election;

37 (3) the voter's completed regular state absentee ballot was
38 received by the ~~circuit court clerk~~ or **county election** board ~~of~~
39 ~~registration~~ by the deadline for receiving absentee ballots under
40 IC 3-11.5-4-7; or

41 (4) the ballot subject to this section was not received by the ~~circuit~~
42 ~~court clerk~~ or **county election** board ~~of registration~~ by the
43 deadline for receiving absentee ballots under IC 3-11.5-4-7.

44 SECTION 46. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
45 SECTION 121, IS AMENDED TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As provided by 42 U.S.C.



15482, this section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11, if the voter registered under that section);~~ and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 47. IC 3-12-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a) This subsection does not apply to a ballot card voting system or an electronic voting system.** A voting mark made by a voter on or in a voting square at the left of a candidate's name **or political party's name** shall be counted as a vote for the candidate **or candidates of the political party.**

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

(1) on or in a circle, oval, or square; or

(2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive



point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

SECTION 48. IC 3-12-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A voting mark that touches a circle, **an oval**, or a square shall be counted as if it were on or in the circle, **oval**, or square. **A voting mark that partially connects a connectable arrow shall be counted as if the voting mark completed the connection of the arrow.**

(b) A voting mark that:

(1) does not touch a circle, **oval**, or square; and

(2) is not on or in the circle, **oval**, or square; may not be counted.

(c) **For purposes of the certification of voting systems under IC 3-11, a ballot card voting system complies with this section if the system can detect a voting mark within the circle, oval, or square, even if manual inspection of the ballot is required to detect a voting mark that only touches the outside edge of the circle, oval, or square.**

SECTION 49. IC 3-12-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section applies when:

(1) a ballot:

~~(A) contains pasters applied under IC 3-11-3-29.5(a) to cover the name of an individual who is no longer a candidate; or~~

~~(B) is reprinted under IC 3-11-3-29.5(c)~~ **IC 3-11-3-29.5(d)** to omit the name of an individual who is no longer a candidate; and

(2) the candidate vacancy is filled following ~~the application of the pasters or~~ the reprinting of the ballots.

(b) A vote cast on the ballot where the statement "NO CANDIDATE" or "CANDIDATE DECEASED" appears is considered a vote cast for the successor candidate.

SECTION 50. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special, or municipal election.

SECTION 51. IC 3-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **Except as provided in IC 3-10-8-7.5**, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

SECTION 52. IC 3-13-7-1.5 IS ADDED TO THE INDIANA CODE



AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A county auditor may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:**

- (1) submitted a written resignation under IC 5-8-3.5; or**
- (2) been elected to another office.**

SECTION 53. IC 3-13-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A city clerk or city clerk-treasurer may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:**

- (1) submitted a written resignation under IC 5-8-3.5; or**
- (2) been elected to another office.**

SECTION 54. IC 3-13-9-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A town clerk-treasurer or president of the town council may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:**

- (1) submitted a written resignation under IC 5-8-3.5; or**
- (2) been elected to another office.**

SECTION 55. IC 3-13-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A county auditor may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:**

- (1) submitted a written resignation under IC 5-8-3.5; or**
- (2) been elected to another office.**

SECTION 56. IC 6-1.1-20-3.6, AS AMENDED BY P.L.198-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.**

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) Except as provided in subsection (l), the following question shall be submitted to the eligible voters at the election conducted under this section:



"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?"

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

~~(d) This subsection applies to ballot language submitted by the county election board under subsection (c) before May 1, 2011. The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may recommend that the ballot language be used as submitted or recommend modifications to the ballot language as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall send its recommendations to the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. After reviewing the recommendations of the department of local government finance under this subsection, the county election board shall take final action to approve ballot language. The finally adopted ballot language may differ from the recommendations made by the department of local government finance.~~

~~(e) This subsection applies to ballot language submitted by the county election board under subsection (c) after April 30, 2011. (d)~~ The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to



the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection ~~(f)~~ (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

~~(f)~~ (e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon:

(1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or

(2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection ~~(f)~~, (k), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon ~~sixty (60)~~ **seventy-four (74)** days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). ~~However, in 2009, a political subdivision may hold a special election under this section on any date scheduled for the special election if notice of the special election was given before July 1, 2009, to the election division of the secretary of state's office as provided in IC 3-10-8-4.~~ The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

~~(g)~~ (f) The circuit court clerk shall certify the results of the public



- 1 question to the following:
- 2 (1) The county auditor of each county in which the political
- 3 subdivision is located.
- 4 (2) The department of local government finance.
- 5 ~~(h)~~ **(g)** Subject to the requirements of IC 6-1.1-18.5-8, the political
- 6 subdivision may issue the proposed bonds or enter into the proposed
- 7 lease rental if a majority of the eligible voters voting on the public
- 8 question vote in favor of the public question.
- 9 ~~(i)~~ **(h)** If a majority of the eligible voters voting on the public
- 10 question vote in opposition to the public question, both of the following
- 11 apply:
- 12 (1) The political subdivision may not issue the proposed bonds or
- 13 enter into the proposed lease rental.
- 14 (2) Another public question under this section on the same or a
- 15 substantially similar project may not be submitted to the voters
- 16 earlier than one (1) year after the date of the election.
- 17 ~~(j)~~ **(i)** IC 3, to the extent not inconsistent with this section, applies
- 18 to an election held under this section.
- 19 ~~(k)~~ **(j)** A political subdivision may not artificially divide a capital
- 20 project into multiple capital projects in order to avoid the requirements
- 21 of this section and section 3.5 of this chapter.
- 22 ~~(l)~~ **(k)** This subsection applies to a political subdivision for which
- 23 a petition requesting a public question has been submitted under
- 24 section 3.5 of this chapter. The legislative body (as defined in
- 25 IC 36-1-2-9) of the political subdivision may adopt a resolution to
- 26 withdraw a controlled project from consideration in a public question.
- 27 If the legislative body provides a certified copy of the resolution to the
- 28 county auditor and the county election board not later than ~~forty-nine~~
- 29 ~~(49)~~ **sixty-three (63)** days before the election at which the public
- 30 question would be on the ballot, the public question on the controlled
- 31 project shall not be placed on the ballot and the public question on the
- 32 controlled project shall not be held, regardless of whether the county
- 33 auditor has certified the public question to the county election board.
- 34 If the withdrawal of a public question under this subsection requires the
- 35 county election board to reprint ballots, the political subdivision
- 36 withdrawing the public question shall pay the costs of reprinting the
- 37 ballots. If a political subdivision withdraws a public question under this
- 38 subsection that would have been held at a special election and the
- 39 county election board has printed the ballots before the legislative body
- 40 of the political subdivision provides a certified copy of the withdrawal
- 41 resolution to the county auditor and the county election board, the
- 42 political subdivision withdrawing the public question shall pay the
- 43 costs incurred by the county in printing the ballots. If a public question
- 44 on a controlled project is withdrawn under this subsection, a public
- 45 question under this section on the same controlled project or a
- 46 substantially similar controlled project may not be submitted to the



voters earlier than one (1) year after the date the resolution withdrawing the public question is adopted.

~~(m)~~ **(l)** If a public question regarding a controlled project is placed on the ballot to be voted on at a public question under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

(1) The cost per square foot of any buildings being constructed as part of the controlled project.

(2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.

(3) The maximum term of the bonds or lease.

(4) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(6) The purpose of the bonds or lease.

(7) In the case of a controlled project proposed by a school corporation:

(A) the current and proposed square footage of school building space per student;

(B) enrollment patterns within the school corporation; and

(C) the age and condition of the current school facilities.

SECTION 57. IC 10-16-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A muster or an assembly for instruction, review, or parade may not be held or called in any county on any day during which a general election, **primary election, municipal election**, or special election is held in the county, except in case of or imminent danger of riot, invasion, insurrection, or public disaster.

(b) An officer who orders a muster or an assembly on an election day shall forfeit an amount as a court-martial adjudges.

SECTION 58. IC 12-14-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ~~(a) The co-directors of the election division shall provide the division with a list of the current addresses address and telephone numbers number of the offices of the circuit court clerk or board of county voter registration office in each county. The division shall promptly forward the list and each revision of the list to each county office.~~

~~(b) The co-directors shall provide the division with pre-addressed packets for county offices to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 59. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ~~(a) The codirectors of the election division shall~~



1 provide the division of family resources with a list of the current
 2 ~~addresses address~~ and telephone ~~numbers number~~ of the ~~offices of the~~
 3 ~~circuit court clerk or board of county voter~~ registration ~~office~~ in each
 4 county. The division of family resources shall promptly forward the list
 5 and each revision of the list to each county office.

6 (b) ~~The codirectors shall provide the division of family resources~~
 7 ~~with pre-addressed packets for county offices to transmit applications~~
 8 ~~under section 6(1) or 6(2) of this chapter.~~

9 SECTION 60. IC 16-35-1.6-9 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) ~~The co-directors~~
 11 ~~of the election division~~ shall provide the commissioner with a list of the
 12 current ~~addresses address~~ and telephone ~~numbers number~~ of the
 13 ~~offices of the circuit court clerk or board of county voter~~ registration
 14 ~~office~~ in each county. The commissioner shall promptly forward the list
 15 and each revision of the list to each WIC office.

16 (b) ~~The co-directors shall provide the commissioner with~~
 17 ~~pre-addressed packets for WIC offices to transmit applications under~~
 18 ~~section 7(1) or 7(2) of this chapter.~~

19 SECTION 61. IC 20-23-8-8, AS AMENDED BY P.L.2-2006,
 20 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2013 (RETROACTIVE)]: Sec. 8. (a) A plan is subject
 22 to the following limitations:

23 (1) A member of the governing body may not serve for a term of
 24 more than four (4) years, but a member may succeed himself or
 25 herself in office. This limitation does not apply to members who
 26 hold over during an interim period to effect a new plan awaiting
 27 the selection and qualification of a member under the new plan.

28 (2) The plan, if the members are:

29 (A) to be elected, shall conform with one (1) of the types of
 30 board organization permitted by IC 20-23-4-27; or

31 (B) appointed, shall conform with one (1) of the types
 32 permitted by IC 20-23-4-28.

33 (3) The terms of the members of the governing body, either
 34 elected to or taking office on or before the time the plan takes
 35 effect, may not be shortened. The terms of the members taking
 36 office under the plan may be shortened to make the plan workable
 37 on a permanent basis.

38 (4) If the plan provides for electoral districts, where a member of
 39 the governing body is elected solely by the voters of a single
 40 district, the districts must be as near as practicable equal in
 41 population. The districts shall be reapportioned and their
 42 boundaries changed, if necessary, by resolution of the governing
 43 body ~~before the election not later than December 31 of the year~~
 44 ~~next following the effective date of the subsequent year in which~~
 45 ~~a decennial census is taken~~ to preserve the equality ~~by resolution~~
 46 of the governing body.



(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

(6) The provisions of IC 20-23-4-26 through IC 20-23-4-33 relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of selection of the board, where elected and where appointed, apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of a plan are severable.

SECTION 62. IC 20-23-17-3, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The governing body of the school corporation consists of five (5) members chosen as follows:

(1) Three (3) members shall be elected by the voters of the school corporation at a general election to be held in the county and every four (4) years thereafter.

(2) One (1) member shall be appointed by the city executive.

(3) One (1) member shall be appointed by the city legislative body.

(b) The members elected under subsection (a)(1) shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a general election held in the county.

(3) By the registered voters of the entire school corporation.

(c) The following apply to an election of members of the governing body of the school corporation under subsection (a)(1):

(1) Each candidate must file a petition of nomination with the circuit court clerk **not earlier than one hundred four (104) days and** not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate seeking election.

SECTION 63. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,



SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk **not earlier than one hundred four (104) days and** not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address and the district in which the candidate resides.

(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk **not earlier than one hundred four (104) days and** not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

SECTION 64. IC 20-26-4-4, AS AMENDED BY P.L.96-2012,



SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.

(b) (a) The commencement and termination of terms of members of a governing body are as follows:

(1) Except as provided in subdivision (2), the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.

(2) In a county having a population of more than four hundred thousand (400,000), the terms of office for the members of a governing body who are appointed commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.

established under the following:

- (1) IC 3-5-4-11.
- (2) IC 20-23-4-30.
- (3) IC 20-23-7-8.1.
- (4) IC 20-23-12-8.
- (5) IC 20-23-13-3.
- (6) IC 20-23-14-8.
- (7) IC 20-23-15-11.
- (8) IC 20-23-17-4.
- (9) IC 20-23-17.2-8.
- (10) IC 20-25-3-4.

(c) (b) If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member), the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:



(1) of a member who serves on a governing body in an ex officio capacity; or

(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

SECTION 65. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

(1) ~~provide that either:~~

(A) ~~provide that~~ all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If ~~on~~ the date that an ordinance ~~was is~~ adopted under this section ~~absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town;~~ **is not later than June 1 of a general or municipal election year**, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and



(3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

(h) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, an ordinance that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an ordinance or an amended ordinance or any other additional action being required.

SECTION 66. IC 36-5-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Proceedings to dissolve a town may be instituted under either this section or IC 36-5-1.1.

(b) A proceeding under this section may be instituted to either dissolve the town or change its name. The proceeding is instituted by filing a petition with the town clerk. The petition must be signed by at least the number of the voters of the town required to place a candidate on the ballot under IC 3-8-6-3, must be verified by at least one (1) of the petitioners, and must include the reasons for the dissolution or change of name.

~~(c) A census of all the voters of the town, taken within ten (10) days before the filing of the petition, must be filed with the petition. The person who prepared the census must, by affidavit attached to the census, verify that the census is correct.~~

SECTION 67. IC 36-5-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. A petition ~~and census~~ filed under section 12 of this chapter must be accompanied by a bond for costs and expenses, payable to and approved by the town legislative body. The petitioners shall pay all costs and expenses incurred under this chapter, including the expenses of an election, if their petition is not successful.



1 SECTION 68. IC 36-5-1-14 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. When a petition
 3 ~~and census are~~ is filed under section 12 of this chapter, the town clerk
 4 shall give notice of the filing and of the day of a hearing on the petition,
 5 ~~and census~~, in the manner prescribed by IC 5-3-1.

6 SECTION 69. IC 36-5-1-15 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) On the date
 8 named in the notice given under section 14 of this chapter, the town
 9 legislative body shall hear and consider:

10 (1) the petition; ~~and census~~; and

11 (2) all statements presented in favor of or in opposition to
 12 granting the petition.

13 The legislative body shall then decide whether there is sufficient cause
 14 to submit the question of dissolving the town or changing its name to
 15 the voters of the town.

16 (b) A petitioner who wants to withdraw his name from the petition
 17 must do so before the legislative body makes its decision. The
 18 legislative body may not count names withdrawn from the petition as
 19 part of the total required by section 12 of this chapter.

20 SECTION 70. IC 36-5-1-18, AS AMENDED BY P.L.113-2010,
 21 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If at least two-thirds (2/3) of
 23 the votes cast in an election under section 16 of this chapter are
 24 affirmative, ~~and at least four-fifths (4/5) of all the voters listed in the~~
 25 ~~census voted in the election~~, the dissolution or change of name takes
 26 effect in the manner prescribed by this section.

27 (b) A change of name takes effect thirty (30) days after the filing of
 28 the statement required by section 17 of this chapter.

29 (c) Except as provided in subsection (d), a dissolution takes effect
 30 six (6) months after the filing of the statement required by section 17
 31 of this chapter. The property owned by the town after payment of debts
 32 and liabilities shall be disposed of in the manner chosen by a majority
 33 of the voters of the town at a special election for that purpose.
 34 Dissolution of a town does not affect the validity of a contract to which
 35 the town is a party.

36 (d) A dissolution under this chapter may not take effect during the
 37 year preceding a year in which a federal decennial census is conducted.
 38 A dissolution that would otherwise take effect during the year
 39 preceding a year in which a federal decennial census is conducted takes
 40 effect January 1 of the year in which a federal decennial census is
 41 conducted.

42 (e) Notwithstanding subsection (d) as that subsection existed on
 43 December 31, 2009, a dissolution that took effect January 2, 2010,
 44 because of the application of subsection (d), as that subsection existed
 45 on December 31, 2009, is instead considered to take effect January 1,
 46 2010, without any additional action being required.



1 **SECTION 71. An emergency is declared for this act.**

